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Paper No. 25

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
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OFFICE OF PETITIONS

In re Application of
Esswein, et al.
Application No. 09/675,943
Filed: September 29, 2000
Attorney Docket No. 9486
FOR: OSTEOBLAST-SPECIFIC MITOGENS
AND DRUGS CONTAINING SUCH
COMPOUNDS

DECISION GRANTING
PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed June 16, 2003 (certificate of mailing date June 12, 2003), to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the non-final rejection, mailed July 10, 2002, which set an extendable period for reply of three (3) months. Having obtained no extensions of time under 37 CFR 1.136(a), this application became abandoned on October 11, 2002 for failing to reply. A Notice of Abandonment was mailed on January 23, 2003.

With the instant filing, petitioner has provided adequate evidence to show that the delay in submitting a timely reply to July 10, 2002 non-final rejection was unavoidable. Petitioner has provided a copy of the docketing records where the July 10, 2002 non-final rejection would have been entered had it been received, as well as a copy of the front of the file jacket. Petitioner has referenced the docketing records and the front of the file jacket in a practitioner's statement. Petitioner states that a thorough search of the application file and docket records was conducted and attests to the fact that the July 10, 2002 non-final rejection was not received by petitioner.

The petition under 37 CFR 1.137(a) is **GRANTED**.

Office financial records indicate that petitioner was charged two \$110.00 petition fees. One of the fees will be credited to deposit account no. 08-2525.

The application will be returned to Technology Center 1600 for consideration of the amendment filed on June 16, 2003 (certificate of mailing date June 12, 2003).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions